

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

United States of America

vs.

Oswaldo Vences (4)

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1:20-cr-70-LY-4

ORDER

Before the Court is Defendant Number 4 Oswaldo Vences’ Motion to Quash Trial Subpoena, filed October 27, 2021 (Dkt. 407). The District Court referred the Motion to the undersigned Magistrate Judge for disposition on November 2, 2021. Dkt. 409.

In his Motion to Quash, Vences states that on or about October 15, 2021, he was served with a subpoena requiring him to appear and testify in the trial of codefendant Indalecio Flores-Uribe, Defendant Number 12. Dkt. 407 at 1. Vences entered a guilty plea in this case on October 14, 2021, and is set for sentencing on December 12, 2021; Flores-Uribe’s trial is set for November 15, 2021. Dkts. 364, 395, 396. Vences states in his Motion that he retains his Fifth Amendment right to be free of self-incrimination through sentencing, and if called at trial, he would assert that right and not offer substantive testimony. Dkt. 407 at 1. Vences further states that there is no apparent connection between him and Flores-Uribe, rendering his testimony unnecessary. *Id.* at 1-2.

Rule CR-47 of the Local Court Rules of the United States District Court for the Western District of Texas (“Local Rules”) provides that: “If a party opposes a motion, the party must file its response with the clerk and serve a copy on all parties within 11 days of service of the motion.”

Pursuant to Local Rule CR-47, any response by Flores-Urbe in opposition to Vences' Motion to Quash was due November 8, 2021. No response was filed.

Accordingly, finding good cause therefor, the Court **HEREBY GRANTS** as unopposed Defendant Number 4 Osvaldo Vences' Motion to Quash Trial Subpoena (Dkt. 407).

SIGNED on November 9, 2021.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE